

REMARKS

The Office Action mailed on August 26, 2003 is acknowledged. Applicants request re-examination of the above-mentioned application in view of the following remarks.

Claims 1-14 stand rejected under 35 U.S.C. § 103(a). The Examiner asserts that all pending claims are unpatentable over Item 1260 of the Basco Catalogue in view of U.S. Patent 135,084 granted to Cooper, U.S. Patent 2,705,433 granted to Goldman, U.S. Patent 1,222,780 granted to McElroy, and U.S. Design Patent 142,263 granted to Pierre. The Examiner believes that the invention set forth in claims 1-14 is disclosed by the Leverage Opener except that the flange of the Leverage Opener has a planar edge rather than a plurality of open end wrench heads that differ in size. The Examiner further believes that any of Cooper, Goldman, McElroy and Pierre each disclose a double ended tool, each end of which has a driving element for turning a fastener or another type of workpiece. The Examiner asserts that each prior art patent teaches the desirability of providing a flange for combining a plurality of open end wrench heads along the main body of the tool so that the tool meets a variety of applications. Therefore, the Examiner asserts it would have been obvious to one having ordinary skill in the art to modify the Leverage Opener by providing means of including a plurality of open ended wrench heads, as the combination of the double ended tool and a plurality of open ended wrench heads has been suggested by either Cooper, Goldman, McElroy, or Pierre. The Applicants respectfully disagree.

The Pierre Reference

The Pierre Reference teaches a combination tool including a plurality of open end wrench heads projecting from its body. The wrench heads depicted appear to be configured to receive hex head and square head fasteners.

The Cooper Reference

The Cooper Reference teaches a non-adjustable wrench provided with notches or recesses for receiving nuts having similar profiles. The notches are disposed about the

periphery of one end of the wrench. Although the notches vary in size, each is directed to nuts with the same profile.

The McElroy Reference

The McElroy Reference discloses a tool for use with automobile curtains. In the embodiment illustrated in Figures 1 and 2, the tool includes a wrench (W) portion and an enlargement (E) portion with a shank portion (S) located intermediate. The wrench portion is located at one end of the shank while the enlargement is located at the opposite end. The wrench portion is intended for use with buttons of automobile bodies that cooperate with grommets. The enlargement portion includes a variety of tools including a bottle opener, a scraper and wrenches of various sizes for receiving nuts. No type of wrench or other tool is located in the shank intermediate the enlargement portion and the wrench portion.

The Goldman Reference

The Goldman Reference discloses a multi-jawed wrench having a slidable handgrip. The object of the disclosed invention is to provide a multi-jawed wrench having a large number of separate jaws disposed throughout. The jaws disposed throughout the wrench are all configured to receive hex-head nuts or bolts. The jaws differ in size, however, to allow the wrench to engage a plurality of different sized nuts and bolts.

Leverage Opener Disclosed in the BASCO Catalogue

The Leverage Opener identified as part number 1260 in the BASCO catalogue includes a bent elongated body including a tool head located at each opposite end. Each tool head includes a pair of drive elements for opening most bung nuts or plugs. The Leverage Opener also allegedly includes a flange projecting from the bent elongated body extending therefrom.

Argument

The Examiner asserts that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Leverage Opener, item

1260, by providing means for including a plurality of open end wrench heads, as the combination of a double-ended tool and a plurality of open end wrench heads in one tool has been clearly suggested by either Cooper (135,084), Goldman (2,705,433), McElroy (1,222,780), or Pierre (D142,263), respectively." For a variety of reasons, the Applicants disagree that the above combination would render the claimed invention obvious.

The Prior Art Does Not Disclose a Flange

As can be seen in Figure 1, the present invention includes a flange 20 that attaches wrench heads 22, 24, 26 to elongated body 12. Nothing in the prior art shows a component, such as a flange, that attaches two different components.

The Leverage Opener depicted in the BASCO catalogue does not include a flange as shown above. Rather, the component the Examiner asserts is a flange functions to strengthen the handle. The elongated body of the leverage opener includes a bend intermediate the ends. The component alleged to be a flange provides strength to the elongated body over this area to compensate for the bend. In fact, the intended use of this component, providing support at the bend of the elongated handle, teaches away from adding wrench heads to the component. Removing material in order to add the wrench heads would reduce the amount of strength provided by the component thereby reducing its effectiveness. Accordingly, the Leverage Opener teaches away from using a flange to attach wrench heads to an elongated body.

Similarly, McElroy and Pierre each teach wrenches including a handle portion with working tools disposed at each of the ends of the handle. Neither of the disclosed handle portions includes a flange connecting the handle to another object. Cooper discloses a wrench with a handle (A) including a plurality of notches for receiving square head nuts or bolts. Cooper also does not include a flange attached to the handle portion of the wrench. In addition, Goldman teaches a wrench with jaws disposed throughout the elongated body. Goldman does not include a flange attaching any component to the elongated body.

Thus, the prior art cited by the Examiner does not teach a flange, as recited by claim 1 because the prior art does not teach a component, removed from the ends,

connecting a first component, such as an elongate body, to a second component, such as a wrench. Accordingly, no combination of the prior art relied upon by the Examiner can render claim 1 obvious, since the prior art does not include a flange as recited by claim 1.

The Prior Art Does Not Teach Combining Two different Types of Wrenches

The Leverage Opener included in the BASCO catalogue includes drive elements usable for driving drum plugs only. Each of the four drive elements is configured to drive four of the most common bung nuts or plugs utilized in the art.

The wrench taught by Pierre only includes notches that engage nuts or bolts comprising either a hexagonal profile or a square profile. Thus, Pierre teaches engaging only traditional types of fasteners.

Similarly, Cooper also teaches a wrench including a plurality of notches all designed to engage square headed fasteners or nuts. Likewise, Goldman includes a plurality of notches all designed to engage hex head bolts or nuts. Thus, both Cooper and Goldman teach a plurality of notches for engaging only one type of component.

Although McElroy discloses a variety of different tools included in a single wrench, the only tools included in McElroy that function as a means for removing a fastener are the notches 12, 13, 14 with a hexagonal profile for receiving and removing a hex head fastener or nut. McElroy also teaches the inclusion of an alligator wrench for engaging hex head fasteners. Accordingly, McElroy only engages one type of fastener.

The prior art references do not teach using two different types of drive elements for two different types of applications in a single unit. In all of the prior art cited by the Examiner, the disclosed tools teach using drive elements designed for a single application. Thus, there is no teaching in the prior art to combine drive elements designed for multiple applications in a single tool. Accordingly, the prior art does not render obvious a tool that includes a drum plug wrench and a faucet wrench on a single tool. When rejecting claim 1 as obvious, the Examiner also provides no motivation for combining the prior art in the manner suggested. The M.P.E.P. states that when applying 35 U.S.C. § 103, certain

Appl. No. 10/083,986
Amdt. Dated February 26, 2004
Reply to Office Action of August 26, 2003

tenants of patent law must be adhered to, including the tenant that references must suggest the desirability of making the combination.

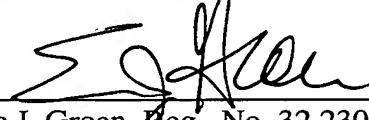
Furthermore, "it is impermissible within the framework of § 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." *In re Wesslau*, 353 F.2d 238, 241, 148 U.S.P.Q. 391, 393 (CCPA 1965). In rejecting the pending claims, the Examiner is ignoring the teachings of the cited references to be configured to only wrench fasteners or nuts of a single type of various sizes. The Examiner must consider the teachings of the references as a whole. Each of the cited references includes means for engaging one type of the component, not a variety of components. To combine the references to include means for engaging a variety of components without proper motivation or suggestion in the prior art is improper. Thus, asserting that the prior art renders the current invention obvious is improper since the prior art lacks a suggestion for the asserted combination.

For all of the foregoing remarks, Applicants believe that all of the pending claims are in condition for allowance, and respectfully request passage thereof. Again, the prior art does not disclose a flange. In addition, the prior art does not teach including two different types of fasteners in a single tool. Consequently, the present invention is not obvious.

Appl. No. 10/083,986
Amdt. Dated February 26, 2004
Reply to Office Action of August 26, 2003

If necessary to affect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (85963.4426). However, please do not include the payment of issue fees.

Respectfully submitted,

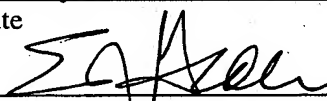


Eric J. Groen, Reg., No. 32,230
BAKER & DANIELS
205 West Jefferson Boulevard, Suite 250
South Bend, IN 46601
Telephone: (574) 234-4149
Fax: (574) 239-1900

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 26, 2004

Date



Eric J. Groen, Reg. No. 32,230